

AO88 (Rev. 12/06) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

EASTERN

DISTRICT OF

KENTUCKY

VIVIAN BERT, et al.,

V.

AK STEEL CORPORATION.

SUBPOENA IN A CIVIL CASECase Number:¹ 1:02CV00467 (S.D. Ohio)

TO: Rodney N. Cosby
1202 Winifred Street
Greenup, Kentucky 41144

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

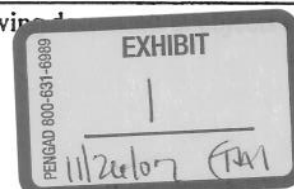
DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Van Antwerp, Monge, Jones, Edwards & McCann LLP
1544 Winchester Avenue, Ashland, Kentucky 41105

DATE AND TIME
11/26/2007 10:00 am

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following at the place, date, and time specified below (list documents or objects):
SEE ATTACHMENT A.



PLACE Van Antwerp, Monge, Jones, Edwards & McCann LLP
1544 Winchester Avenue, Ashland, Kentucky 41105

DATE AND TIME
11/26/2007 10:00 am

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Patricia Anderson Pryor
Attorney for Defendant

11/9/2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Patricia Anderson Pryor, Esq., Taft Stettinius & Hollister LLP,
425 Walnut Street, Suite 1800, Cincinnati, Ohio 45202, (513) 381-2838

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 12/06) Subpoena in a Civil Case

11-16-07		PROOF OF SERVICE	
DATE 11-16-07	PLACE	Residence	1202 W. 11th St Greenup, Ky 41144
SERVED	Rodney Cosby	Personal Service	
SERVED ON (PRINT NAME)		MANNER OF SERVICE	
Teresa Blankenship		Individual Process Server	
SERVED BY (PRINT NAME)		TITLE	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

11-16-07

DATE

SIGNATURE OF SERVER

Teresa BP

ADDRESS OF SERVER

3009 Nodlin Way.

Portsmouth, Ohio 45662

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

ATTACHMENT A

Please produce all documents, including all documents or data stored or maintained electronically, in your possession, custody or control relating to:

1) the lawsuit captioned Vivian Bert, et al., v. AK Steel Corporation, Case No. 1:02cv00467, including any correspondence or notes between you and any of the plaintiffs or any of the plaintiffs' attorneys.

2) Vivian Bert, Donald Edwards, Thaddeus Freeman, James Greenwood, Mary Harris, Edward James Lewis, Michael Miller, Shawn Pryor, Roderique Russell, Ronald Sloan, Darrell Carter, Darlene Denise Carter, Marnie Carter, Kay Jackson, Tiffany Jackson, Dwight Lewis, Timothy Oliphant, or Allen Roberts, including but not limited to any documents referencing any of these individuals, any documents received from any of these individuals or their agents or attorneys and any documents sent to any of these individuals or their agents or attorneys;

3) AK Steel's hiring process or the results of that hiring process;

4) any person(s) referred to AK Steel for possible hire;

5) any person(s) who applied for a position at AK Steel; or

6) any allegations of race discrimination at AK Steel Corporation.

Page: 1 Document Name: untitled

HOURLY WORK HISTORY

HIS1 01

FIND: 05833
 GROUP: B01H LOCATION: 7 AW EMPL NAME: RODNEY N COSBY
 BADGE/SSN: 05833 CATEGORY: REG ACT HOURLY
 SOC SEC #: 404-82-1926 TRAN CODE: RETURN FROM DISABILITY
 TRAN CODE DATE: 02-07-2007

N=NEXT, P=PREVIOUS

ACT	TRAN CODE	DEPARTMENT/COST	LOC-BADGE/ LST DY WRK	JOB TITLE	JOB CODE	PY ZN
RT	02-07-2007	RETURN FROM DISABILI				
S	01-18-2007	NON-OCCUPATIONAL DIS	01-17-2007			
OC	11-01-2005	ENERGY SERVICES	AW - 05833	MAINT TECH 4 - LE	00014650	08
RT	10-09-2005	RETURN FROM DISABILI				
S	08-01-2005	NON-OCCUPATIONAL DIS	07-31-2005			
OC	06-09-2002	ENERGY SERVICES	AW - 05833	MAINT TECH 4	00014410	42
T	05-15-2001	ENERGY SERVICES	AW - 05833	RELIEF MAN	00014333	01
OC	05-15-2001	BASIC OXY MAINT OP	AW - 05833	RELIEF MAN	00014333	01
T	07-01-1999	BASIC OXY MAINT OP	AW - 05833	MAINT TECH 4	00014140	42
RT	11-10-1997	RETURN FROM LAYOFF				

F1 - EMPLOYEE KEY

F2 - EMPLOYEE NAME F4 - BADGE #

F3 - SOCIAL SECURITY NUMBER

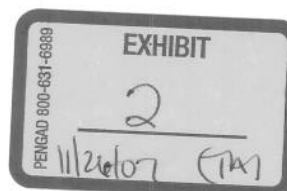
MORE HISTORY IS AVAILABLE

F8 - SALARY WORK HISTORY

F9 - WORK HISTORY MEMOS

F10 - EMPLOYEE HISTORY MENU

=> _____



Date: 11/21/2007 Time: 10:35:46 AM

Page: 1 Document Name: untitled

HOURLY WORK HISTORY

HIS1 01

FIND: 05833
 GROUP: B01H LOCATION: 7 AW
 BADGE/SSN: 05833
 SOC SEC #: 404-82-1926
 N=NEXT, P=PREVIOUS

EMPL NAME: RODNEY N COSBY
 CATEGORY: REG ACT HOURLY
 TRAN CODE: RETURN FROM DISABILITY
 TRAN CODE DATE: 02-07-2007

ACT	TRAN CODE	DEPARTMENT/COST	LOC-BADGE/ CDE DATE DESCRIPTION	LST DY WRK	JOB TITLE	JOB CODE	PY ZN
LO	09-22-1997	LAYOFF-LACK OF WORK	09-19-1997				
RT	09-01-1997	RETURN FROM LAYOFF					
LO	08-25-1997	LAYOFF-LACK OF WORK	08-22-1997				
RT	07-28-1997	RETURN FROM LAYOFF					
LO	07-15-1996	LAYOFF-LACK OF WORK	07-07-1996				
RT	07-07-1996	RETURN FROM LAYOFF					
LO	07-01-1996	LAYOFF-LACK OF WORK	06-29-1996				
RT	06-10-1996	RETURN FROM LAYOFF					
LO	05-14-1996	LAYOFF-LACK OF WORK	05-11-1996				
RT	05-07-1996	RETURN FROM LAYOFF					

F1 - EMPLOYEE KEY
 F2 - EMPLOYEE NAME F4 - BADGE #
 F3 - SOCIAL SECURITY NUMBER
 MORE HISTORY IS AVAILABLE

F8 - SALARY WORK HISTORY
 F9 - WORK HISTORY MEMOS
 F10 - EMPLOYEE HISTORY MENU

=> _____

Date: 11/21/2007 Time: 10:38:15 AM

Page: 1 Document Name: untitled

HOURLY WORK HISTORY

HIS1 01

FIND: 05833
GROUP: B01H LOCATION: 7 AW
BADGE/SSN: 05833
SOC SEC #: 404-82-1926
N=NEXT, P=PREVIOUS

EMPL NAME: RODNEY N COSBY
CATEGORY : REG ACT HOURLY
TRAN CODE: RETURN FROM DISABILITY
TRAN CODE DATE: 02-07-2007

ACT	TRAN CODE	DEPARTMENT/COST	LOC-BADGE/	JOB	JOB	PY
CDE	DATE	DESCRIPTION	LST DY WRK	TITLE	CODE	ZN
LO	09-16-1995	LAYOFF-LACK OF WORK	09-15-1995			
RT	09-11-1995	RETURN FROM LAYOFF				
RT	05-01-1995					
LO	03-11-1995					
RT	03-08-1995					
LO	02-04-1995					
RT	09-11-1994					
OC	08-01-1994					
LO	07-02-1994					
RT	05-17-1994					

F1 - EMPLOYEE KEY

F2 - EMPLOYEE NAME F4 - BADGE #

F3 - SOCIAL SECURITY NUMBER

MORE HISTORY IS AVAILABLE

F8 - SALARY WORK HISTORY

F9 - WORK HISTORY MEMOS

F10 - EMPLOYEE HISTORY MENU

=> _____

Date: 11/21/2007 Time: 10:38:58 AM